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July 25, 2003

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*Via Hand Carry to  
Examiner James S. Ketter  
Art Unit 1636*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Utility Patent Application  
Appl. No. 09/732,914; Filed: December 11, 2000  
For: **Use of Multiple Recombination Sites with  
Unique Specificity in Recombinational Cloning**  
Inventors: CHEO *et al.*  
Our Ref: 0942.5010002/RWE/BJD/JKM

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fifth Supplemental Information Disclosure Statement;
2. List of cited references on Form PTO-1449 (8 sheets);
3. A copy of each reference cited on Form PTO-1449 (25 documents: **AK6-AB7, and  
AT103-AT110**); and
4. One (1) return postcard.

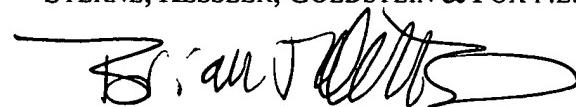
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
July 25, 2003  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono  
Attorney for Applicants  
Registration No. 42,473

RWE/BJD/JKM/acr  
Enclosures

SKGF\_DC1:159545.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CHEO *et al.*

Appl. No. 09/732,914

Filed: December 11, 2000

For: **Use of Multiple Recombination  
Sites with Unique Specificity in  
Recombinational Cloning**

Confirmation No. 2341

Art Unit: 1636

Examiner: Ketter, James S.

Atty. Docket: 0942.5010002/RWE/BJD/JKM

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**Fifth Supplemental Information Disclosure Statement**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Fifth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Fourth Supplemental Information Disclosure Statement filed on May 8, 2003, in connection with the above-captioned application. A copy of each document is also provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Fifth Supplemental Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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(202) 371-2600

SKGF\_DC1:159552.1

FORM PTO-1449 <b>FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT</b>			ATTY. DOCKET NO. 0942.5010002/RWE/BJD/JKM		APPLICATION NO. 09/732,914		
			APPLICANT CHEO <i>et al.</i>				
			FILING DATE December 11, 2000		GROUP 1636		
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA6						
	AB6						
	AC6						
	AD6						
	AE6						
	AF6						
	AG6						
	AH6						
	AI6						
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	AK6	4,626,505	12/02/1986	Falco	435	172.3	02/24/1984
<b>FOREIGN PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No
<b>OTHER (Including Author, Title, Date, Pertinent Pages, etc.)</b>							
	AR	<u>103</u>					
	AS	<u>103</u>					
	AT	<u>103</u>	Barnes, G., and Rine, J., "Regulated expression of endonuclease EcoRI in <i>Saccharomyces cerevisiae</i> : Nuclear entry and biological consequences," <i>Proc. Natl. Acad. Sci. USA</i> 82: 1354-1358, National Academy of Sciences (1985).				
EXAMINER					DATE CONSIDERED		
<b>EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							

## FORM PTO-1449

## FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.  
0942.5010002/RWE/BJD/JKMAPPLICATION NO.  
09/732,914APPLICANT  
CHEO *et al.*FILING DATE  
December 11, 2000GROUP  
1636

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA7	5,837,458	11/17/1998	Minshull <i>et al.</i>	435	6	05/20/1996
	AB7	6,365,377 B1	04/02/2002	Patten <i>et al.</i>	435	91.1	03/03/2000
	AC7						
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## FOREIGN PATENT DOCUMENTS

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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>104</u>	Bauer, C.E. <i>et al.</i> , "Extent of Sequence Homology Required for Bacteriophage Lambda Site-specific Recombination," <i>J. Mol. Biol.</i> 181: 187-197, Academic Press Inc. (1985).
AS	<u>104</u>	Brent, R., and Ptashne, M., "A bacterial repressor protein or a yeast transcriptional terminator can block upstream activation of a yeast gene," <i>Nature</i> 312: 612-615, Macmillan Journals Ltd. (1984).
AT	<u>104</u>	Cherapanov, P.P., and Wackernagel, W., "Gene disruption in <i>Escherichia coli</i> : Tc <sup>R</sup> and Km <sup>R</sup> cassettes with the option of Flp-catalyzed excision of the antibiotic-resistance determinant," <i>Gene</i> 158: 9-14, Elsevier Science B.V. (1995).

EXAMINER

DATE CONSIDERED

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	AL						Yes No
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	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>105</u>	Collis, C.M., and Hall, R.M., "Expression of Antibiotic Resistance Genes in the Integrated Cassettes of Integrons," <i>Antimicrobial Agents and Chemotherapy</i> 39: 155-162 (1995).
AS	<u>105</u>	CLONTECH, "Creator™ Acceptor Vector Construction Kit" CLONTECHniques 16:2 pages, CLONTECH (October 2001).
AT	<u>105</u>	CLONTECH, "Creator™ Gene Cloning & Expression System," CLONTECHniques 15:7-11, CLONTECH (April 2000).

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<b>OTHER (Including Author, Title, Date, Pertinent Pages, etc.)</b>							
	AR	<u>106</u>	CLONTECH, "Creator™ pDNR-Dual Cloning Kit," CLONTECHniques 16:3 pages, CLONTECH (October 2001).				
	AS	<u>106</u>	CLONTECH, "Creator™ SMART™ Library Construction Kit," CLONTECHniques 16:2 pages, CLONTECH (October 2001).				
	AT	<u>106</u>	CLONTECH, "Creator™: The Universal Platform for Analysis of Gene Function," Powerpoint Presentation, pp. 1-9, CLONTECH (July 24, 2001), available at <a href="http://www.clontech.com/products/families/creator/popups/s1page1.html">http://www.clontech.com/products/families/creator/popups/s1page1.html</a> .				
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	AR	<u>107</u>	CLONTECH, "New Additions to the Creator™ Platform," CLONTECHniques 16:1-4, CLONTECH (January 2001).				
	AS	<u>107</u>	CLONTECH, "New Creator™ -Compatible Expression Systems," CLONTECHniques 15:2 pages, CLONTECH (October 2000).				
	AT	<u>107</u>	Enquist, L.W., and Weisberg, R.A., "The Red Plaque Test: A Rapid Method for Identification of Excision Defective Variants of Bacteriophage Lambda," <i>Virology</i> 72: 147-153, Academic Press, Inc. (1976).				
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	AP						Yes No
<b>OTHER (Including Author, Title, Date, Pertinent Pages, etc.)</b>							
	AR	<u>108</u>	Iino, T., and Kutsukake, K., "Trans-acting Genes of Bacteriophages P1 and Mu Mediate Inversion of a Specific DNA Segment Involved in Flagellar Phase Variation of <i>Salmonella</i> ," <i>Cold Spring Harbor Symposia on Quantitative Biology</i> 45: 11-16, Cold Spring Harbor Laboratory (1981).				
	AS	<u>108</u>	Klippel, A. <i>et al.</i> , "Isolation and characterization of unusual <i>gin</i> mutants," <i>The EMBO Journal</i> 7: 3983-3989, IRL Press Inc. (1988).				
	AT	<u>108</u>	Langeveld, S.A. <i>et al.</i> , "Expression of an <i>Escherichia coli</i> phr gene in the yeast <i>Saccharomyces cerevisiae</i> ," <i>Mol. Gen. Genet.</i> 199: 396-400, Springer-Verlag (1985).				
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<b>OTHER (Including Author, Title, Date, Pertinent Pages, etc.)</b>							
	AR	<u>109</u>	Miller, H.I. <i>et al.</i> , "int-h: an int Mutation of Phage $\lambda$ That Enhances Site-Specific Recombination," <i>Cell</i> 20: 721-729, MIT (1980).				
	AS	<u>109</u>	Okayama, H., and Berg, P., "Bacteriophage Lambda Vector for Transducing a cDNA Clone Library into Mammalian Cells," <i>Molecular and Cellular Biology</i> 5: 1136-1142, American Society for Microbiology (1985).				
	AT	<u>109</u>	Sauer, B., "Expression and Functioning in Yeast of a Bacterial Site Specific Recombination System," <i>J. Cell. Bio. Chem. Supp.</i> 10(b): 242 (I340), Alan R. Liss, Inc. (1986).				
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	AO						Yes No
	AP						Yes No
<b>OTHER (Including Author, Title, Date, Pertinent Pages, etc.)</b>							
	AR	<u>110</u>	Sauer, B., and Henderson, N., "Site-specific DNA recombination in mammalian cells by the Cre recombinase of bacteriophage P1," <i>Proc. Natl. Acad. Sci. USA</i> 85: 5166-5170, National Academy of Sciences (1988).				
	AS	<u>110</u>	Scott, S.D., and Marples, B., "Comment on the use of the cre/loxP recombinase system for gene therapy vectors," <i>Gene Therapy</i> 7: 1706, Macmillan Publishers Ltd. (2000).				
	AT	<u>110</u>	Vetter, D. <i>et al.</i> , "Site-specific recombination of yeast 2-μm DNA <i>in vitro</i> ," <i>Proc. Natl. Acad. Sci. USA</i> 80: 7284-7288, National Academy of Sciences (1983).				
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